

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,
Plaintiff,

v.

HSBC BANK PLC, et al.,

Defendants.

No. 11 Civ. 763 (JSR)

**HSBC DEFENDANTS' MOTION TO
DISMISS THE TRUSTEE'S COMMON LAW CLAIMS**

PLEASE TAKE NOTICE that HSBC Bank plc, HSBC Holdings plc, HSBC Securities Services (Luxembourg) S.A., HSBC Institutional Trust Services (Ireland) Limited, HSBC Securities Services (Ireland) Limited, HSBC Institutional Trust Services (Bermuda) Limited, HSBC Bank USA, N.A., HSBC Securities Services (Bermuda) Limited, HSBC Bank (Cayman) Limited, HSBC Private Banking Holdings (Suisse) S.A., HSBC Private Bank (Suisse) S.A., HSBC Fund Services (Luxembourg) S.A., and HSBC Bank Bermuda Limited (collectively, the "HSBC Defendants"), respectfully move this Court for an order dismissing the Common Law Claims in Counts 20 through 24 of the Amended Complaint filed by Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, in Picard v. HSBC Bank plc, Adversary Proceeding No. 09-1364 (BRL) (Bankr. S.D.N.Y. Dec. 5, 2010), based on the two issues identified in this Court's Order of April 13, 2011 and Opinion of April 25, 2011, for the reasons set forth in the accompanying memorandum of law with supporting declaration, which are hereby incorporated by reference.

WHEREFORE, the HSBC Defendants respectfully request that the Court enter an order granting the relief requested herein, and such other and further relief as the Court deems just and appropriate.

Dated: New York, New York
May 3, 2011

CLEARY GOTTLIEB STEEN & HAMILTON LLP

By: /s/ Evan A. Davis

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